

MINUTES - CITY OF BEAUMONT

W.L. Pate, Jr., At-Large
Dr. Alan B. Coleman, Mayor Pro Tem
Audwin Samuel, Ward III
Tyrone E. Cooper, City Attorney

BECKY AMES, MAYOR
CITY COUNCIL MEETING
August 12, 2014
Kyle Hayes, City Manager

Gethrel Wright, At-Large
Michael D. Getz, Ward II
Jamie Smith, Ward IV
Tina Broussard, City Clerk

The City Council of the City of Beaumont, Texas, met in a regular session on **August 12, 2014**, at the City Hall Council Chambers, 801 Main Street, Beaumont, Texas, at 1:30 p.m. to consider the following:

OPENING

- * Invocation Pledge of Allegiance Roll Call
- * Presentations and Recognition
- * Public Comment: Persons may speak on scheduled agenda items 2-6/Consent Agenda
- * Consent Agenda

Mayor Ames called the council meeting to order at 1:30 p.m.

Pastor Vernon Tubb with First Full Gospel Baptist Church gave the invocation. Mayor Ames led the Pledge of Allegiance. Roll call was made by Tina Broussard, City Clerk.

Present at the meeting were Mayor Ames, Mayor Pro Tem Coleman, Councilmembers Getz, Wright, Pate, Samuel and Smith. Also present were Kyle Hayes, City Manager; Tyrone Cooper, City Attorney; Tina Broussard, City Clerk.

Proclamations, Presentations, Recognitions

Presentation - "Gift of Life-Color Rush" - Norma Sampson and Regina Rogers along with other members of the Gift of Life Program

Public Comment: Persons may speak on scheduled agenda items 2-6/Consent Agenda.

None

CONSENT AGENDA

- * Approval of minutes - **August 5, 2014**
- * Confirmation of committee appointments - **None**
- A) Approve a six month contract for the purchase of liquid chlorine from Brenntag Southwest, Inc., of Houston for use by the Water Utilities Department – **Resolution 14 - 168**
- B) Approve amending the Consolidated Grant Program's 2012 Annual Action Plan to reallocate \$15,500 from the Clearance and Demolition line item to a new Public Facilities line item for Habitat for Humanity of Jefferson County – **Resolution 14 - 169**

- C) Approve accepting maintenance of the street, storm sewer, water and sanitary sewer improvements in Deerfield Phase Three, Right-of-Way only – **Resolution 14 -170**

Mayor Pro Tem Coleman moved to approve the Consent Agenda. Councilmember Samuel seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, WRIGHT, PATE, SAMUEL AND SMITH

NAYS: NONE

MOTION PASSED

GENERAL BUSINESS

1. Consider an ordinance approving a specific use permit to allow the expansion of Greenlawn Cemetery onto property zoned GC-MD (General Commercial-Multiple Family Dwelling) District.

Mr. Donald Taft has applied for a specific use permit on behalf of Community Cemeteries, Inc.

Community Cemeteries, Inc., who owns and operates the cemetery known as Greenlawn Cemetery. CCI recently purchased this 0.6109 acre tract of land located at 4075 Magnolia Avenue for the expansion of the cemetery. Normal hours of operation for the cemetery are 8 a.m. to 5 p.m. seven (7) days per week. Landscaping will consist of a hedge at the perimeter of the property, to provide some privacy, and small trees for aesthetics.

A specific use permit is required in any zoning district to expand an existing cemetery.

At a Joint Public Hearing held July 21, 2014, the Planning Commission recommended 6:0 to approve a specific use permit to allow the expansion of Greenlawn Cemetery onto property zoned GC-MD (General Commercial – Multiple Family Dwelling) District.

Approval of ordinance with the following conditions:

1. The applicant shall install and maintain an 8ft. privacy fence along the north property line, stopping 15' from the property line along Magnolia Avenue.
2. The applicant shall work with the Traffic Division to develop a parking plan, acceptable to the City's Traffic Engineer.
3. The Property shall be graded, with storm water flow directed to streets and not adjacent Properties.
4. All cemetery plots must be set back a minimum of 6ft. from the east property line.

5. The applicant shall maintain a 6ft. wide landscaped strip along the inside of the east property line with 4ft. hedges sufficiently dense to screen the cemetery from Magnolia Avenue.

Councilmember Samuel moved to **ADOPT AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW THE EXPANSION OF A CEMETERY IN A GC-MD (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING) DISTRICT AT 4075 MAGNOLIA AVENUE IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Pate seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, WRIGHT, PATE, SAMUEL AND SMITH

NAYS: NONE

MOTION PASSED

Ordinance 14 - 038

2. Consider a resolution declaring 112 structures to be unsafe structures and ordering that the structures be razed.

Recently, the City contracted with the Southeast Texas Regional Planning Commission for the demolition of up to four hundred fifty-five (455) structures, as part of the Hurricane Ike Disaster Recovery Program. These one hundred-twelve (112) structures have been inspected by the Building Codes Division and found to be unsafe structures as defined by the City of Beaumont's Code of Ordinances, Chapter 24, Article 24.04 Unsafe Substandard Structures, Division 1, Sec. 14.04.001 of the 2009 International Property Maintenance Code. All of these structures were previously issued a raze or repair order at a prior Council meeting, by ordinance. However, as part of this program, a resolution, declaring that these structures should be demolished is also required. Therefore, we are requesting that a resolution be approved to reflect this prior action by Council.

Funding is available through a grant with the Southeast Texas Regional Planning Commission and the Texas General Land Office (GLO).

Councilmember Smith moved to **APPROVE THE RESOLUTION THAT THE CITY COUNCIL FINDS THE AFOREMENTIONED ONE HUNDRED TWELVE (112) STRUCTURES TO BE UNSAFE STRUCTURES AND DECLARES THEM TO BE PUBLIC NUISANCES AND ORDERS THAT THE STRUCTURES BE RAZED.** Councilmember Wright seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, WRIGHT, PATE, SAMUEL AND SMITH

NAYS: NONE

MOTION PASSED

Resolution 14 – 171

Public Hearing:

Receive comments related to the Mission Economic Development Corporation issuing Solid Waste Disposal Revenue Bonds to finance a proposed waste to energy conversion project (Fair Energy Operations-Beaumont) as authorized by the Texas Development Corporation Act

Open: 1:51 p.m.

None

Close: 1:51 p.m.

3. Consider an ordinance approving the issuance by Mission Economic Development Corporation of Solid Waste Disposal Revenue Bonds, Series 2014, in an amount not to exceed \$50 million dollars, to finance a proposed waste to energy conversion project on or near Lafin Road in Beaumont (The granting of this approval does not obligate the City of Beaumont in any way with respect to the bonds or the facility or to otherwise assume any liability with respect to the issuance of the bonds)

On December 18, 2012, the City Council authorized an agreement with Fair Energy Operations-Beaumont for a waste to energy conversion project to be conducted at the City landfill. It was indicated at that time that the company would seek industrial bonds to finance the project. To that end Fair Energy Operations has requested Mission Economic Development Corporation to issue Solid Waste Disposal Revenue Bonds, Series 2014 to finance the project.

The Texas Development Corporation Act requires that the City of Beaumont gives its approval to use the proceeds of the bonds for the solid waste conversion facility to be located in the City. The granting of this approval does not obligate the City in any way with respect to the bonds or the facility or to otherwise assume any liability with respect to the issuance of the bonds.

This process requires the conducting of a Public Hearing to allow comment with respect to the project and issuance of the Series 2014 Revenue Bonds.

Councilmember Pate moved to **ADOPT AN ORDINANCE APPROVING THE ISSUANCE OF SOLID WASTE DISPOSAL REVENUE BONDS, SERIES 2014 IN ONE OR MORE SERIES OR SUBSERIES AS MAY BE FURTHER DESIGNATED PROVIDING FOR THE CONDUCTING OF A PUBLIC HEARING; PROVIDING FOR A DISCLAIMER OF LIABILITY; AND PROVIDING AN EFFECTIVE DATE.** Councilmember Smith seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, WRIGHT, PATE, SAMUEL AND SMITH

NAYS: NONE

MOTION PASSED

Ordinance 14 - 039

4. Consider a resolution to receive the proposed FY 2015 Budget and schedule a public hearing.

Article VI, Section 2 of the City Charter requires that the proposed budget be submitted to the Council at least 45 days prior to the beginning of the new fiscal year. In addition, Section 4 requires Council to schedule a public hearing on the proposed budget.

The Administration recommends that the public hearing be held on August 26, 2014, at 1:30 p.m. in Council Chambers, located at 801 Main Street. The City Clerk will publish the notice of the public hearing.

Councilmember Pate moved to **APPROVE A RESOLUTION THAT THE PROPOSED FY 2015 BUDGET HAS BEEN RECEIVED AND A PUBLIC HEARING IS HEREBY SCHEDULED FOR AUGUST 26, 2014 AT 1:30 PM IN THE CITY COUNCIL CHAMBERS, CITY HALL, 801 MAIN STREET, BEAUMONT, TEXAS.** Councilmember Samuel seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, PATE, SAMUEL AND SMITH

NAYS: NONE

ABSTAIN: COUNCILMEMBER WRIGHT

MOTION PASSED

Resolution 14 – 172

5. Consider establishing and taking a record vote on the proposed 2014 tax rate and schedule public hearings.

Chapter 26 of the Property Tax Code requires taxing units to comply with truth-in-taxation laws in adopting their tax rate and requires the governing body to hold two public hearings when the proposed tax rate exceeds the lower of the rollback rate or the effective rate.

Administration recommends Council establish a tax rate required to support the City Manager's proposed budget equal to the current tax rate of \$0.69/\$100 of valuation. In accordance with Chapter 26 of the Property Tax Code, if the proposed rate exceeds the lower of the rollback rate of \$.742727/\$100 or the effective tax rate of \$.687249/\$100, the City Council must take a record vote to place the proposal to adopt the rate on the agenda of a future meeting. The effective tax rate is the rate that would produce the same amount of taxes in FY 2015 as was produced in FY 2014 if it was applied to the same properties taxed in both years. The proposed tax rate of \$0.690000/\$100 exceeds the effective tax rate of \$.687249/\$100 by \$.002751/\$100 or .003. If the motion passes, two public hearings must be scheduled. It is recommended that the public hearings be held on August 26, 2014 and September 16, 2014 at 1:30 p.m. in the Council Chambers.

Council moved to **APPROVE A RESOLUTION THAT THE TAX RATE OF \$0.69 BE AND IT IS HEREBY PROPOSED AND THAT THE DATES OF AUGUST 26, 2014 AND SEPTEMBER 9, 2014 BE AND THE SAME ARE HEREBY SET AS THE DATES WHICH THE CITY COUNCIL WILL CONDUCT PUBLIC HEARINGS ON THE PROPOSED TAX RATE. THE MEETINGS WILL BE HELD IN THE CITY COUNCIL CHAMBERS, CITY HALL, 801 MAIN STREET, BEAUMONT, TEXAS AT 1:30 PM AUGUST 26, 2014 AND SEPTEMBER 9,**

2014 AT WHICH TIME THE COUNCIL WILL RECEIVE PUBLIC COMMENT ON THE PROPOSED TAX RATE \$0.69. Councilmember Smith seconded the motion.

Record Vote for the Proposed 2014 Tax Rate:

AYES: MAYOR AMES
MAYOR PRO TEM COLEMAN
COUNCILMEMBER GETZ
COUNCILMEMBER WRIGHT
COUNCILMEMBER PATE
COUNCILMEMBER SAMUEL
COUNCILMEMBER SMITH

NAYS: NONE

MOTION PASSED

Resolution 14 - 173

6. Consider a resolution to receive the proposed 2015 Capital Program and schedule a public hearing.

The proposed 2015 Capital Program was originally submitted to Council on May 13, 2014. Revisions have been made to the original proposed document and are attached for your review. Article VI, Section 20 of the City Charter requires Council to schedule a public hearing on the proposed Capital Program.

The Administration recommends that the public hearing be held on August 26, 2014, at 1:30 p.m. in Council Chambers, located at 801 Main Street. The City Clerk will publish the notice of the public hearing.

Mayor Pro Tem Coleman moved to **APPROVE A RESOLUTION THAT THE PROPOSED FY 2015 CAPITAL PROGRAM HAS BEEN RECEIVED AND A PUBLIC HEARING IS HEREBY SCHEDULED FOR AUGUST 26, 2014 AT 1:30 PM IN THE CITY COUNCIL CHAMBERS, CITY HALL, 801 MAIN STREET, BEAUMONT, TEXAS.** Councilmember Smith seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, WRIGHT, PATE, SAMUEL AND SMITH

NAYS: NONE

MOTION PASSED

Resolution 14 - 174

WORK SESSION

- * Review and discuss revisions to the Alcohol and Beverage Ordinance - **Deferred**

- * Review and discuss the proposed FY 2015 Budget

The City Manager reviewed and discussed the proposed FY 2015 Budget. There was discussion in regards to the General Fund Revenues in the amount of \$114,056,100, the General Fund Expenditures in the amount of \$115,835,300, with a deficit of (\$1,779,200). There was an estimated beginning Fund Balance of \$26,467,942 as well as an estimated ending Fund Balance of \$24,688,742. The largest revenue sources are the Sales and Use Taxes, which is at 34% with a projected increase of 1.5%, Property Taxes at 28% with an appraised value increase less than 1%. Industrial Payments are at 14% which will be flat from what was received this year with a minimal growth of 76%. The proposed revenues in the General Fund are projected to increase 1.1% in FY 2015 over FY 2014. General Fund expenditures will include a 2% wage increase for Firefighters which is a contractual obligation with an estimated cost of \$360,000. The Police Officers will receive up to a 2% wage increase with an estimated cost of \$410,000, the City is currently negotiating a new contract. There is an additional transfer of \$650,000, over the FY 2014 amount to the Transit Fund, the grand total of all categories is \$1,420,000. City-Wide Priorities were discussed which entailed Public Safety, Infrastructure Improvements, Community Services and Support Functions as well as Key Objectives, which is to downsize the General Fund Budget by \$2,000,000 or more over the next 12 months if revenues do not increase.

COUNCILMEMBER COMMENTS

MAYOR PRO TEM COLEMAN -

STATED THAT HE ATTENDED A BREAKFAST TO KICK OFF THE “MAKING STRIDES FOR CANCER” 5K RUN THAT WILL TAKE PLACE AT LAMAR UNIVERSITY ON AUGUST 25, 2014, CITIZENS MAY REGISTERED FOR THE EVENT AT MAKINGSTRIDESFORCANCER.ORG

COUNCILMEMBER GETZ -

ANNOUNCED THAT THE DOWLEN/WEST NEIGHBORHOOD ASSOCIATION’S MONTHLY MEETING TO BE HELD ON TUESDAY, AUGUST 12, 2014, AT ROGERS PARK COMMUNITY CENTER, SOCIAL HOUR STARTS AT 6:00 P.M., MEETING AT 7:00 P.M., ALSO REQUESTED A WORKSESSION IN REGARDS TO A PROVISION IN THE CITY CHARTER ARTICLE 17 SECTION 9 THAT DEALS WITH OFFICERS OR EMPLOYEES NOT TO HAVE FINANCIAL INTEREST IN ANY CONTRACT OF THE CITY

COUNCILMEMBER WRIGHT -

ASKED THE CITY ATTORNEY THE STATUS OF THE WORKSESSION IN REGARDS TO PREDATORY LENDING

COUNCILMEMBER PATE -

STATED THAT HE WOULD GO AHEAD AND SECOND THE REQUEST FOR A WORKSESSION IN REGARDS TO ARTICLE 17 SECTION 9 OF THE CITY CHARTER, ALSO ENCOURAGED ALL CITIZENS TO SHOP LOCALLY RATHER THAN GOING TO HOUSTON AND OTHER PLACES, THIS WILL HELP SUPPORT OUR COMMUNITY AND HELP ADJUST CITIZENS PROPERTY TAXES, ALSO THERE ARE STILL TICKETS AVAILABLE FOR THE FIRST LAMAR UNIVERSITY FOOTBALL GAME, LAMAR WILL BE

PLAYING GRAMBLING STATE UNIVERSITY, AUGUST 30, 2014

COUNCILMEMBER SAMUEL -

ANNOUNCED THE BACK TO SCHOOL DRIVE ON SATURDAY, AUGUST 15, 2014 AT THE STERLING PURITT COMMUNITY CENTER AT 8:00 A.M., FOLLOWING THE SCHOOL DRIVE WILL BE NEIGHBORS IN THE PARK STARTING AT 2:00 P.M. AT MAGNOLIA PARK, AS WELL AS MOVIES IN THE POOL UNTIL 9:00 P.M., ALSO STATED THAT HE RECEIVED VERY FAVORABLE CALLS IN REGARDS TO THE IMPROVEMENTS TO CERTAIN STREETS, CITIZENS HAVE STATED THAT THEY ARE HAVING THEIR STREETS REPAIRED THAT HAVEN'T HAD REPAIRS IN ABOUT TWENTY YEARS AND THEY DIDN'T HAVE TO CALL, ALSO COMMENTED ON SOME AREAS THAT ARE IN NEED OF CUTTING ALONG MAGNOLIA

COUNCILMEMBER SMITH -

THANKED THE CITY MANAGER AND HIS STAFF FOR THE CITY'S FINANCIAL STABILITY, ALSO THANKED VARIOUS ORGANIZATIONS, CHURCHES AND NON-PROFITS FOR THEIR BACK TO SCHOOL SUPPLY DONATIONS, STATED THAT CATHOLIC SCHOOLS WILL START SCHOOL ON WEDNESDAY, AND PUBLIC SCHOOLS WILL START SCHOOL ON AUGUST 25, 2014, ASKED CITIZENS TO SLOW DOWN AND WATCH FOR THE KIDS AS THEY WALK TO AND FROM SCHOOL, THANKED DR. JOE MAJDALANI AND DR. HANI TOHME FOR THEIR HELP IN THE WILLOW CREEK AREA WITH THE DRAINAGE ISSUE AS WELL AS ON GOLIAD

CITY ATTORNEY COOPER -

ASKED COUNCILMEMBER GETZ WHAT IS EXPECTED FOR THE WORKSESSION IN REGARDS TO THE CHARTER PROVISION THAT HE REQUESTED

CITY MANAGER HAYES -

NONE

MAYOR AMES -

STATED THAT SHE'S HAPPY THAT COUNCILMEMBER SAMUEL IS RECEIVING CALLS FROM CITIZENS THAT THEY ARE HAPPY ABOUT THEIR STREETS BEING REPAIRED, GLAD THAT THEY ARE SEEING SOME FRUITS OF THEIR EFFORTS, ALSO STATED THAT THE TAX RATE HAS REMAINED THE SAME

Public Comments (Persons are limited to three minutes)

Charles Kirkwood

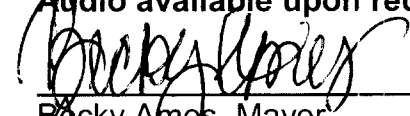
P.O. Box 12116


Beaumont TX

Spoke to Council in regards to some property that he owns at 2356 Briarcliff Dr., stated that he owed back taxes on the property and that he was paying the taxes but the property was sold from under him and he was never notified, also wanted to know how the City taxes and sales will go up when the City is trying to put people out of business, would like to get to the bottom of the this situation

With there being no Executive Session, Council adjourned at 2:42 p.m.

Audio available upon request in the City Clerk's Office


Becky Ames, Mayor


Tina Broussard, City Clerk



ABSTENTION AFFIDAVIT

THE STATE OF TEXAS §
COUNTY OF JEFFERSON §

I, Gethrel Wright, as a member of the Beaumont (City Council, Commission, or Board) make this affidavit and hereby on oath state the following: I, and/or a person or persons related to me, have a substantial interest in a business entity that would be peculiarly affected by a vote or decision of the Beaumont (City Council, Commission, or Board) as those terms are defined in V.T.C.A., Local Government Code, § 171.002.

The business entity is: (NAPE) National Alliance of Public Employees
(Name)

(Address)

("I," or name of relative and relationship) Gethrel Wright have/has a substantial interest in this business entity for the following reasons: (check all of which are applicable.)

- _____ Ownership of 10 percent or more of the voting stock or shares of the business entity.
- _____ Ownership of either 10 percent or more or \$15,000 or more of the fair market value of the business entity.
- _____ Funds received from the business entity exceed 10 percent of (my, her, his) _____ gross income for the previous year.
- _____ Real property is involved, and (I, he, she) _____ have an interest which is an equitable or legal ownership with a fair market value of at least \$2,500.
- _____ A relative of mine, within the first or second degree by blood or marriage, has a substantial interest in the business entity or property that would be affected by a decision of the public body of which I am a member.

Upon filing of this affidavit with the City Clerk, I affirm that I will abstain from voting on any decision involving this business entity and from any further participation on this matter whatsoever.

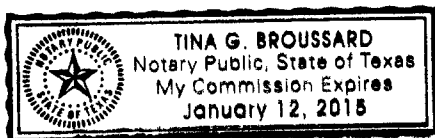
Signed this the 20th day of August, 2014.

Gethrel Wright
Signature of Official

Beaumont City Council member
Title

BEFORE ME, the undersigned authority, on this day personally appeared Gethrel Wright and on oath stated that the facts hereinabove stated are true to the best of his/her knowledge or belief.

SWORN to and subscribed before me on this the 20th day of August, 2014.



Tina G. Broussard
Notary Public in and for the State of Texas